

Opposition Date: April 5, 2010

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Attorneys for Defendants Daimler AG,

Daimler North America Corp., and

Daimler Investments US Corp.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|---|----|------------------------------|
| ----- | X | |
| In re: | : | Chapter 11 |
| | : | |
| OLD CARCO LLC (F/K/A CHRYSLER), <i>et al.</i> , | : | Case No. 09-50002 (AJG) |
| | : | Jointly Administered |
| Debtors. | : | |
| | : | |
| | : | |
| | : | |
| ----- | X | |
| | : | |
| THE OFFICIAL COMMITTEE OF | : | |
| UNSECURED CREDITORS OF OLD CARCO | : | |
| LLC (F/K/A CHRYSLER LLC), | : | Adv. Pro. No. 09-00505 (AJG) |
| | : | |
| Plaintiff, | : | |
| | : | |
| - against - | :: | |
| | :: | |
| DAIMLER AG, <i>et al.</i> , | : | |
| | : | |
| Defendants. | | |
| ----- | X | |

**NOTICE OF MOTION AND MOTION OF DEFENDANTS DAIMLER AG, DAIMLER
NORTH AMERICA CORPORATION, AND DAIMLER INVESTMENTS US
CORPORATION TO DISMISS THE FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE THAT defendants Daimler AG, Daimler North America Corporation, and Daimler Investments US Corporation will move before the Honorable Arthur J. Gonzalez, Chief Judge of United States Bankruptcy Court for the Southern District of New York, for an Order dismissing the First Amended Complaint in the above-referenced adversary proceeding with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) and Federal Rule of Bankruptcy Procedure 7012(b), and for such other and further relief as the Court deems just and proper (the “Motion”).

PLEASE TAKE FURTHER NOTICE THAT the Motion is based upon this Notice of Motion, the concurrently filed Memorandum of Law in Support of Motion of Defendants Daimler AG, Daimler North America Corporation, and Daimler Investments US Corporation To Dismiss the First Amended Complaint, the accompanying Declaration of Alan S. Goudiss and exhibits annexed thereto, and all other pleadings and proceedings before the Court in *In re Old Carco L.L.C. (f/k/a Chrysler L.L.C.)*, Case No. 09-50002 (AJG).

PLEASE TAKE FURTHER NOTICE THAT oppositions to this Motion, if any, shall be served and filed no later than April 5, 2010. Any replies to such oppositions shall be served and filed no later than April 26, 2010.

PLEASE TAKE FURTHER NOTICE THAT any hearing on this motion will take place in Courtroom 523 of the United States Bankruptcy Court, Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004, on a date and time to be set by the Court.

Dated: March 5, 2010
New York, New York

SHEARMAN & STERLING LLP

By: /s/ Alan S. Goudiss
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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|---------------------------------------|---|-------------------------|
| In re: |) | |
| |) | |
| OLD CARCO LLC |) | Chapter 11 |
| (F/K/A CHRYSLER LLC), <i>et al.</i> , |) | |
| |) | Case No. 09-50002 (AJG) |
| Debtors. |) | Jointly Administered |
| |) | |
| THE OFFICIAL COMMITTEE OF |) | |
| UNSECURED CREDITORS OF OLD CARCO |) | Adv. No. 09-00505 (AJG) |
| LLC (F/K/A CHRYSLER LLC), |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| DAIMLER AG, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

CERTIFICATE OF SERVICE

I, Wesley H. Pang, hereby certify that on Friday, March 5, 2010, I caused to be served a true and correct copy of the following documents via email to counsel of record as indicated below:

- Notice of Motion and Motion of Defendants Daimler AG, Daimler North America Corporation, and Daimler Investments US Corporation To Dismiss the First Amended Complaint
- Declaration of Alan S. Goudiss in Support of Motion of Defendants Daimler AG, Daimler North America Corporation, and Daimler Investments US Corporation To Dismiss the First Amended Complaint
- Memorandum of Law in Support of Motion of Defendants Daimler AG, Daimler North America Corporation, and Daimler Investments US Corporation To Dismiss the First Amended Complaint

TO: SUSMAN GODFREY LLP

Steve Susman, Esq.
Jacob Buchdahl, Esq.
Edgar G. Sargent, Esq.
Rebecca S. Tinio, Esq.
Shawn J. Rabin, Esq.
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Robert Ajiashvili

TO: STUTZMAN, BROMBERG,
ESSERMAN & PLIFKA PC

Robert T. Brousseau, Esq.
Sander L. Esserman, Esq.
Jacob L. Newton, Esq.
Peter C. D'Apice, Esq.

TO: BRAYTON PURCELL LLP

Al Brayton, Esq.

Additionally, I caused a true and correct copy of the documents listed above to be served via email and Federal Express courier service, or where indicated, via U.S.P.S. Express Mail, to the parties on the Old CarCo LLC (f/k/a Chrysler LLC), *et al.* Special Service List dated February 5, 2010, annexed hereto as Exhibit A.

/s/ Wesley H. Pang
Wesley H. Pang

EXHIBIT A

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